

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Hugo Martir

v.

Case No. 09-cv-244-PB

United States of America

ORDER

This is not a close case. The government's memorandum offers several independently valid arguments as to why the petition must be dismissed. The defendant waived his right to collateral review when he pleaded guilty and his petition provides no basis for relief from the collateral review waiver. He faults his attorney for failing to appeal but he validly waived his right to appeal when he pleaded guilty and thus his attorney did not act improperly in failing to file a notice of appeal. He complains about his sentence but does not provide a legally sufficient argument to support his position that the sentence was unlawful. Defendant's 2255 motion is denied. The clerk shall close the case.

SO ORDERED.

September 1, 2009

/s/ Paul Barbadoro
Paul Barbadoro
United States District Judge

cc: Hugo Martir, Pro Se
Aixa Maldonado, Esq.